

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

HARRY SMITH, JR. and
ROSLYN WOODARD SMITH,
Individually and as Administrators of
The ESTATE OF HARRY SMITH, III,

Plaintiffs,

v.

CIVIL ACTION NO. 04-1254-GMS

CITY OF WILMINGTON,

JOHN CIRITELLA, in his individual capacity
and in his official capacity as a police officer of
the Wilmington Police Department,

THOMAS DEMPSEY, in his individual capacity
and in his official capacity as a police officer of
the Wilmington Police Department,

and

MATHEW KURTEN, in his individual capacity
and in his official capacity as a police officer of
the Wilmington Police Department,

Defendants.

NOTICE OF PLAINTIFFS' WITHDRAWAL OF THEIR 1985 AND 1986 CLAIMS

Come now the Plaintiffs, by counsel, and respectfully notify the Court and opposing counsel that they withdraw their claims based upon 42 U.S.C. Sections 1985 and 1986.

Dated this 13th day of October 2006.

s/Anne T. Sulton
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CERTIFICATE OF SERVICE

I hereby certify that on October 13, 2006, I electronically filed the foregoing document with the Clerk of Court using the CM/ECF which will send notification of such filing(s) to:

Attorney John A. Parkins, Jr. at Parkins@rlf.com
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s/Anne T. Sulton